

Subject: RE: Case 2:18-cv-00197-JTM-JEM
Date: Wednesday, November 25, 2020 at 10:51:31 AM Eastern Standard Time
From: Nijjar, Parvinder
To: Ian Goodman
CC: Filban Tislow, Erin
Attachments: image001.png, image002.png, image019.png, image020.png, image022.png, image023.png, image024.png, image026.png, image027.png, image028.png, image029.png, image030.png, image031.png, image032.png, image033.png, image034.png, image035.png, image036.png, image037.png, image038.png, image039.png, image040.png

Hi Ian,

The privilege log will be updated and provided to you. I am reviewing the documents and anticipate providing you with more updated documents by the end of next week. Due to the holiday week, many people are out of the office so responses have been slower than normal.

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [mailto:ian@paganelligroup.com]
Sent: Wednesday, November 25, 2020 10:48 AM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

Following up on the email below. Will an updated privilege log be served? Also, when can we expect production of the remainder of the documents that your clients agree are discoverable? I'd like to have all that behind us before the remaining issues are brought before the court.

Ian

PAGANELLI LAW GROUP
ATTORNEYS AT LAW

Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: Ian Goodman <ian@paganelligroup.com>
Date: Monday, November 23, 2020 at 3:50 PM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

Parvinder –

Will your clients be serving an updated privilege log, or will the most recent one remain accurate?

Ian

From: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Date: Monday, November 16, 2020 at 4:24 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>, James J. Shea <jshea@hsk-law.com>, Jeremy D. Lemon <jlemon@hsk-law.com>, Bradley, Galen A. <gbradley@k-glaw.com>, jhalm@k-glaw.com <jhalm@k-glaw.com>, fvarez@nleelaw.com <fvarez@nleelaw.com>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

You may access the first set of confidential documents at the link below. Additional documents will be forthcoming.

https://app.everlaw.com/13301/dl/l1lph8w_9elPR7WujdT53gHYJxP1UxeiVEs_EBiCjBOe

Let me know if there are any questions accessing the documents.

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation

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IGCS - 5th Floor
Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Monday, November 16, 2020 11:16 AM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; James J. Shea <jshea@hsk-law.com>; Jeremy D. Lemon <jlemon@hsk-law.com>; Bradley, Galen A. <gbradley@k-glaw.com>; jhalm@k-glaw.com; fvarez@nleelaw.com
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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No problem. Thanks.

PAGANELLI LAW GROUP

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Ian Goodman
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Indianapolis, IN 46290
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E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Date: Friday, November 13, 2020 at 4:14 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; James J. Shea <jshea@hsk-law.com>; Jeremy D. Lemon <jlemon@hsk-law.com>; Bradley, Galen A. <gbradley@k-glaw.com>; jhalm@k-glaw.com <jhalm@k-glaw.com>; fvarez@nleelaw.com <fvarez@nleelaw.com>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

During our phone call this morning, you indicated that it would be alright with you if I wasn't able to send the

documents to you today. I am having issues with getting Everlaw to cooperate and will probably not get the documents out today. I am hoping to get the issues resolved and send a batch of documents out by Monday, November 16, 2020.

Best,

Parvinder K. Nijjar

Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
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Parvinder.Nijjar@atg.in.gov



From: Nijjar, Parvinder

Sent: Friday, November 6, 2020 4:39 PM

To: Ian Goodman <ian@paganelligroup.com>

Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; James J. Shea <jshea@hsk-law.com>; Jeremy D. Lemon <jlemon@hsk-law.com>; Bradley, Galen A. <gbradley@k-glaw.com>; jhalm@k-glaw.com; fvarez@nleelaw.com

Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

Thank you for email. I understand your concerns about how our clients have changed positions. Our original suggestion to enter into a protective order was in good faith and we are hoping to continue to provide you with as much information as possible.

Due to the volume of information and the amount of work involved in producing the documents, we cannot provide you with the information by your suggested deadline of November 6, 2020. We have started collecting the information to be produced and we will be able to provide to you with the information in batches over the next few weeks. We can have the first batch produced to you by next Friday, November 13, 2020.

As for information related to possible suspects in a related criminal investigation by ISP and the origin and cause information, our clients still are of the position that this information should not be produced. However, if you are open to it, we would offer this information if we could agree to request in camera review of the information.

Please let me know if your client is open to our suggestions of our production of documents according to a schedule over the few weeks and if they would be open to requesting in camera review of suspect identification information and the origin and cause information.

Best,

Parvinder K. Nijjar

Deputy Attorney General
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Indianapolis, IN 46204
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Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Monday, November 2, 2020 9:10 AM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; James J. Shea <jshea@hsk-law.com>; Jeremy D. Lemon <jlemon@hsk-law.com>; Bradley, Galen A. <gbradley@k-glaw.com>; jhalm@k-glaw.com; falvarez@nleelaw.com
Subject: Re: Case 2:18-cv-00197-JTM-JEM

****This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Parvinder –

On August 6, 2020, in response to your suggestion for a protective order, I stated I was generally agreeable to a protective order if it resulted in withheld documents being produced. On September 4, 2020, in response to the draft protective order you provided, I emailed you and said I wanted to understand what documents, of those withheld, would be produced with the order in place. On September 8, 2020, in an email, you responded, “Documents that include confidential information, as defined and outlined in the draft PO.” Based on your representations, we proceeded with the protective order. All of this took time and, accordingly, resulted in my client, and the other parties, incurring attorneys fees.

Apparently, your clients have now changed their position, deciding the protective order won’t result in the production of “documents that include confidential information,” as you represented on September 8, 2020. This reversal is not acceptable to my client, nor, I presume, to the other parties.

Also, recall that to get any response from the Fire Marshal, in May 2020 I had to file a motion to compel – which I subsequently withdrew based on the representations you made. All that cost my client money, too.

By November 6, 2020, please produce the documents you represent would be produced. If you advise all those documents will not be produced, or if they are not produced by November 6, we will bring the matter to the court’s attention, and if another motion to compel is required, we will seek fees.

PAGANELLI LAW GROUP
ATTORNEYS AT LAW

Ian Goodman
Attorney at Law

10401 N. Meridian St., Suite 450
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From: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Date: Friday, October 30, 2020 at 9:24 AM
To: Ian Goodman <ian@paganelligroup.com>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

After conferring with my clients, it is ISP's position that they cannot release all of the redacted and additional information, such as the interviews, as it relates to the suspects, accomplices, associates and their relationships to one another, the victim and the crime in this case. ISP would be willing to enter into a modified protective order where certain information would be released.

To further expedite this process, would you be willing to clarify what information you are seeking to be released that was previously redacted?

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Wednesday, October 28, 2020 10:40 AM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Ok, thanks.

PAGANELLI LAW GROUP

ATTORNEYS AT LAW

Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Date: Wednesday, October 28, 2020 at 10:16 AM
To: Ian Goodman <ian@paganelligroup.com>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

I am currently in the process of reviewing documents and conferring with my clients. I will have a timeline for you in the next couple of days.

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
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Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Thursday, October 22, 2020 12:56 PM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

The protective order is attached. When can we expect to receive the documents?

Ian

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From: Ian Goodman <ian@paganelligroup.com>
Date: Monday, October 5, 2020 at 10:30 AM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

Thanks Parvinder.

From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Monday, October 5, 2020 at 10:25 AM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

We did produce the documents you attached to your email. I am confirming with my client regarding the search and will let you know.

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation

Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Friday, September 25, 2020 1:15 PM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

Plaintiff has produced to us the two attached documents (your clients may have also produced them), which indicate the State Police obtained consent to search two cell phones. If those cell phones were searched, our request for production would encompass the results of the search. If those materials have already been produced, or if they're identified in a privilege log, forgive me for overlooking them. If not, can you confirm they'll be produced once the protective order is entered?

Ian

PAGANELLI LAW GROUP

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Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
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From: Ian Goodman <ian@paganelligroup.com>
Date: Friday, September 18, 2020 at 2:27 PM
To: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

Yes. I just meant the parties' attorneys would be filing for the court's approval.

From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Friday, September 18, 2020 at 1:13 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

I believe the Court would need to approve the proposed protective order first, correct?

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Thursday, September 17, 2020 3:25 PM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

The parties agree to the proposed protective order. From here, I believe each of the attorneys of record should add their signatures, and then I'll file. Agree?



Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290

Subject: RE: Case 2:18-cv-00197-JTM-JEM
Date: Tuesday, September 8, 2020 at 11:36:21 AM Eastern Daylight Time
From: Nijjar, Parvinder
To: Ian Goodman
CC: Filban Tislow, Erin
Attachments: image037.png, image038.png, image039.png, image040.png, image041.png, image042.png, image043.png, image044.png, image045.png, image046.png, image047.png, image048.png, image049.png, image050.png, image051.png, image052.png, image053.png, image054.png, image055.png, image056.png, image057.png, image058.png, image059.png, image060.png, image061.png, image062.png, image063.png, image064.png, image065.png, image066.png, image067.png, image068.png, image069.png, image070.png, image071.png, image072.png, image073.png, image074.png, image075.png

Ian,

Documents that include confidential information, as defined and outlined in the draft PO.

Best,

Parvinder K. Nijjar

Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [mailto:ian@paganelligroup.com]
Sent: Friday, September 4, 2020 1:30 PM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Thanks Parvinder. I'll circulate to the other parties but would also like to understand what documents, of those withheld, would be produced with this order in placae.

Ian

Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Friday, September 4, 2020 at 11:15 AM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

Please find attached a draft protective order.

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Nijjar, Parvinder
Sent: Thursday, August 27, 2020 3:50 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

What communications are you referring to?

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor

Indianapolis, IN 46204

p: 317-234-2339 | f: 317.232.7979

Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]

Sent: Thursday, August 27, 2020 2:48 PM

To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>

Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>

Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

I'm not bothering you about a protective order again. Another question for you. Do you wish for any communications with Dennis Randle to be directed through you?

Ian



Ian Goodman

Attorney at Law

10401 N. Meridian St., Suite 450

Indianapolis, IN 46290

Tel: 317/550-1855

E-Mail: ian@paganelligroup.com

Web: www.paganelligroup.com



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From: Ian Goodman <ian@paganelligroup.com>

Date: Wednesday, August 26, 2020 at 8:48 AM

To: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>

Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>

Subject: Re: Case 2:18-cv-00197-JTM-JEM

Parvinder –

Any word on a protective order from your clients?

I'm not aware of a prior order that would impact a protective order with your clients, but you could check the

docket to be sure.

Ian

From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Thursday, August 13, 2020 at 11:07 AM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, Jonathan Bont <jon@paganelligroup.com>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

I am working with my clients on drafting the proposed protective order. Was an order issued by the court in this case regarding protective orders that I should know about and take into consideration when drafting?

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
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IGCS - 5th Floor
Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Wednesday, August 12, 2020 11:29 AM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; Jonathan Bont <jon@paganelligroup.com>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

Following up on the message below: can you send over a proposed protective order?

Ian



Ian Goodman

Attorney at Law
10401 N. Meridian St., Suite 450
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Web: www.paganelligroup.com



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From: Ian Goodman <ian@paganelligroup.com>
Date: Thursday, August 6, 2020 at 10:39 AM
To: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, Jonathan Bont <jon@paganelligroup.com>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

Thanks Parvinder. I'm generally agreeable to a protective order if it results in the Fire Marshal producing its file. I suspect the other parties would be as well. Do you want to propose language for it?

Ian

From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Wednesday, August 5, 2020 at 1:39 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, Jonathan Bont <jon@paganelligroup.com>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

Please find attached the privilege log updated to include IDHS000102-108.

As I mentioned in my email on July 2, we are happy to discuss a protective order if that is something you are interested in discussing after reviewing the additional documents that were produced.

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
p: 317-234-2339 | f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Friday, July 31, 2020 1:15 PM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; Jonathan Bont <jon@paganelligroup.com>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

I've deleted documents labeled IDHS000102-108 and have advised the other parties of the same. Please provide an updated privilege log to account for those documents. Assuming you and I are unable to informally resolve the claim of the investigatory privilege, I expect it will be brought before the court.

Ian



Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Monday, July 20, 2020 at 1:03 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, Jonathan Bont <jon@paganelligroup.com>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

The documents include information related to the ongoing investigation into the fire and are subject to the law enforcement investigatory privilege. Specifically, they include information that undermines information that was previously redacted in other documents relating to the origin of fire, evidence collected, and location the evidence was collected from.

Best,

Parvinder K. Nijjar

Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
I f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Monday, July 13, 2020 1:31 PM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; Jonathan Bont <jon@paganelligroup.com>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

In your cover letter, you stated that IDHS000102-108 were inadvertently disclosed and requested that they be disposed of. But your letter doesn't state why you contend these materials shouldn't have been disclosed and why you requested they be disposed of. Under Fed. R. Civ. P. 26(b)(5)(B), I may file these materials under the seal with the court and ask for it to determine whether they are discoverable. As soon as you identify why you believe these materials are not discoverable, I will determine whether the issue should be presented to the Court, and I will then dispose of the materials and notify the other parties to the case of your request in that regard.

Ian



Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Friday, July 10, 2020 at 3:13 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, Jonathan Bont <jon@paganelligroup.com>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

I appreciate you checking that for me. I have attached our cover letter regarding the supplemental response to your subpoena. Please note due to the large number of files, the documents have been sent to you via mail on an encrypted USB, the password is provided with the USB. If you would like, I can send the password to you via email as well.

I will note that some of the photographs produced are graphic as they include photographs of the four deceased minor victims of the fire. If you could let anyone who is going to be reviewed these documents know, as I do not want anyone to be disturbed.

If you have any questions or would like to discuss, please let me know.

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
I f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Friday, July 10, 2020 10:13 AM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; Jonathan Bont <jon@paganelligroup.com>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Hi Parvinder –

We use Sharefile to send large files, but I don't think I can get you access to send files to us. Sorry.

Ian



Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Friday, July 10, 2020 at 8:36 AM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, Jonathan Bont <jon@paganelligroup.com>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

I intend to send you about 1 GB of documents today. Do you have a FTP site that I could use to send the documents securely and efficiently? Unfortunately, our office does not have a site to share documents outside our agency. If not, I will send over a couple of emails with the smaller files.

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
I f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Thursday, July 2, 2020 2:48 PM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; Jonathan Bont <jon@paganelligroup.com>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

Thanks for being in touch. No problem on July 10 to produce additional documents. And I'm glad to discuss a protective order after that.

Ian



Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: 317/550-1855
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Thursday, July 2, 2020 at 1:37 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, Jonathan Bont <jon@paganelligroup.com>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Ian,

I have attached the privilege log pursuant to FRCP 26 for the previously disclosed documents and the redactions made. There was an error in the previous document production, IDHS000112 was unintentionally redacted, and you will note that this was a duplicate of IDHS000321, which was not redacted. Accordingly, I have attached an unredacted copy.

We believe the factors outlined by the court in *Jones v. City of Indianapolis*, 216 F.R.D 440, 444-45 (S.D. Ind. 2003) weigh in favor of my clients, to protect the integrity of the ongoing investigation, protect the identity of potential witnesses and important information that will be disclosed through disclosure. Given that it is an ongoing investigation there are various reasons, some of which are noted, that weigh in favor of not disclosing information related to the fire and witnesses. The investigation is ongoing, whether it is active or inactive is not relevant. As you are aware, the investigation is currently being conducted by the Indiana State Police, I am not sure what rule requires the documents produced to indicate that this is an ongoing investigation.

My clients have conducted another review of the files and discovered additional documents that we are in the process of reviewing. My office has recently been contacted to represent ISP in this matter and we are in

the process of reviewing additional documents. To ensure all documents are provided in an efficient manner, would you be amenable of a deadline of July 10 to provide additional documents from both agencies and for ISP to provide you with their privilege log?

Furthermore, my clients are willing to discuss entering into an agreed protective order should that be of interest to you and your client. If you would like to discuss this further after you have had an opportunity to review the additional documents we intend to provide, I am available by phone or email.

Let me know by July 6th if the July 10th date is amenable to provide additional documents.

Best,

Parvinder K. Nijjar

Deputy Attorney General

Administrative and Regulatory Enforcement Litigation

Office of Attorney General Curtis Hill

302 W. Washington Street

IGCS - 5th Floor

Indianapolis, IN 46204

I f: 317.232.7979

Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]

Sent: Thursday, June 18, 2020 3:12 PM

To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>

Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; ElAnderson@dhs.IN.gov; Jonathan Bont <jon@paganelligroup.com>

Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

This correspondence is our attempt to resolve deficiencies in the Fire Marshal's response to the request for production.

First, please confirm whether the Fire Marshal has withheld any documents from production or if it's produced all documents requested, some with redactions.

Second, from the Fire Marshal's written response, it appears that material are redacted based on invocation of the law enforcement investigatory privilege. Assuming that to be correct, under Fed. R. Civ. P. 26, the Fire Marshal must produce (but didn't) a privilege log to provide us with enough information to assess its assertion of privilege. The privilege log must reference all documents withheld and each redaction.

Third, I wanted to address the merit of the Fire Marshal's invocation of the investigatory privilege. You stated that I should note that, contrary to my "assertion and belief, this is an active ongoing investigation by the Indiana State Police." Please direct me to the portion of the production that confirms the investigation is

ongoing. Regardless, although difficult to say for certain because I have no way to discern what's been redacted, I suspect the Fire Marshal has too broadly asserted the investigatory privilege. That privilege is not absolute, and can be overridden in appropriate cases where the parties need the materials at issue. *Dellwood Farms v. Vargill, Inc.* (7th Cir. 1997). To balance law enforcement's interest in protecting investigations versus the interests of civil litigants, courts consider ten factors:

1. the extent to which disclosure will thwart governmental processes by discouraging citizens from giving the government information;
2. the impact upon persons who have given information of having their identities disclosed;
3. the degree to which governmental self-evaluation and consequent program improvement will be chilled by disclosure;
4. whether the information sought is factual data or evaluative summary;
5. whether the party seeking discovery is an actual or potential defendant in any criminal proceeding either pending or reasonably likely to follow from the incident in question;
6. whether the investigation has been completed;
7. whether any interdepartmental disciplinary proceedings have arisen or may arise from the investigation;
8. whether the plaintiff's suit is nonfrivolous and brought in good faith;
9. whether the information sought is available through other discovery or from other sources; and
10. the importance of the information sought to the case.

Jones v. City of Indianapolis, 216 F.R.D 440, 444-45 (S.D. Ind. 2003).

We believe that the ten factors weigh in favor of the Fire Marshal producing its entire file in an unredacted form. Plaintiff has sued Defendants, levying against them the serious allegation that their actions proximately caused the death of her children. Defendants deny Plaintiff's allegations. The Fire Marshal's investigatory file regarding the fire is essential to my client and co-defendant's defenses. Presumably, the Fire Marshal file contains critical information, which has been redacted, regarding how the fire occurred, including whether, and why, the Fire Marshal believes it was incendiary. Further, I expect the Fire Marshal has redacted significant information regarding witnesses and suspects in the fire – both of which are relevant to my client's defenses to plaintiff's claims.

Moreover, approximately three and a half years after the fire, we do not think the Fire Marshal can reasonably claim that disclosing its file to the parties to this matter, in an unredacted form, would discourage citizens from giving, in an unredacted form, information regarding the fire. And, the only substantive impact providing the documents could have on, for example, witnesses identified therein would be for bad-actors to be potentially held responsible for their actions in the civil context – but this consequence would be the interest of justice. Further, this information is not available from any other source, and even if the investigation technically remains active, we expect it is, practically speaking, largely inactive.

By July 2, please confirm whether the Fire marshal has withheld any documents; produce a privilege log; direct me to the portion of the file produced that indicates the investigation is ongoing; and advise whether the Fire Marshal will underact all or additional portions of its file.

Ian



Ian Goodman

Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: 317/550-1855
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: Ian Goodman <ian@paganelligroup.com>
Date: Tuesday, June 16, 2020 at 1:39 PM
To: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, "ElAnderson@dhs.IN.gov" <ElAnderson@dhs.IN.gov>
Subject: Re: Case 2:18-cv-00197-JTM-JEM

Parvinder –

I will notify you of my intention when I'm able, but not by a deadline you set.

Can you confirm whether the Fire Marshal has withheld any documents from production, or if it's produced all documents requested, with redactions?

Ian

From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Tuesday, June 16, 2020 at 10:32 AM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, "ElAnderson@dhs.IN.gov" <ElAnderson@dhs.IN.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

Can you let me know about your intention by COB tomorrow, Wednesday June 17th?

Thank you,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
I f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Monday, June 15, 2020 10:43 AM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; ElAnderson@dhs.IN.gov
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

I received your email. Once I've reviewed your response to the subpoena, I'll let you know my intention regarding the motion to compel.



Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Monday, June 15, 2020 at 10:26 AM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, "ElAnderson@dhs.IN.gov" <ElAnderson@dhs.IN.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

Can you confirm receipt of the email sent to you on Friday, June 12th?

Thank you,

Parvinder K. Nijjar
Deputy Attorney General

Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
I f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Nijjar, Parvinder
Sent: Friday, June 12, 2020 12:03 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; ElAnderson@dhs.IN.gov
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

Please find attached our response to your client's subpoena. Paper copies have also been mailed to your office.

Will you withdraw your pending motion to compel given that DHS and the Indiana State Fire Marshal has responded to your client's subpoena? If you could please let me know by 3:00PM if you are willing to withdraw.

Please confirm receipt of this email.

Thank you,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
I f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Wednesday, June 3, 2020 2:27 PM
To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; ElAnderson@dhs.IN.gov
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Agree. Thanks Parvinder.



Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Wednesday, June 3, 2020 at 12:10 PM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, "ElAnderson@dhs.IN.gov" <ElAnderson@dhs.IN.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

This is to confirm our phone conversation about extending our time to respond to the subpoena to June 12th.

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
I f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [<mailto:ian@paganelligroup.com>]
Sent: Wednesday, June 3, 2020 10:00 AM

To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>
Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; ElAnderson@dhs.IN.gov
Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Let's go with 11 a.m. Please call my cell – 317-457-8111.



Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>
Date: Wednesday, June 3, 2020 at 9:58 AM
To: Ian Goodman <ian@paganelligroup.com>
Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, "ElAnderson@dhs.IN.gov" <ElAnderson@dhs.IN.gov>
Subject: RE: Case 2:18-cv-00197-JTM-JEM

Does 11:00 AM or 12:00PM work for you?

Best,

Parvinder K. Nijjar
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
I f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



From: Ian Goodman [mailto:ian@paganelligroup.com]

Sent: Tuesday, June 2, 2020 10:35 AM

To: Nijjar, Parvinder <Parvinder.Nijjar@atg.in.gov>

Cc: Filban Tislow, Erin <Erin.FilbanTislow@atg.in.gov>; ElAnderson@dhs.IN.gov

Subject: Re: Case 2:18-cv-00197-JTM-JEM

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Parvinder –

Thanks for being in touch. I'm glad to have a call on Wednesday. You name the time.

Ian



Ian Goodman
Attorney at Law
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Tel: [317/550-1855](tel:3175501855)
E-Mail: ian@paganelligroup.com
Web: www.paganelligroup.com



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From: "Nijjar, Parvinder" <Parvinder.Nijjar@atg.in.gov>

Date: Monday, June 1, 2020 at 4:01 PM

To: Ian Goodman <ian@paganelligroup.com>

Cc: "Filban Tislow, Erin" <Erin.FilbanTislow@atg.in.gov>, "ElAnderson@dhs.IN.gov" <ElAnderson@dhs.IN.gov>

Subject: Case 2:18-cv-00197-JTM-JEM

Hi Ian,

Erin Tislow and I represent the Indiana Department of Homeland Security and the Indiana State Fire Marshall for purposes of responding to the Subpeona to Produce Documents that was sent back in August 2018. As we review and respond to the subpoena we had some things we thought would be best addressed via a phone call to expedite the process.

Would you be able available for a phone call on Wednesday June 3, 2020 to discuss?

Best,

Parvinder K. Nijjar
Deputy Attorney General

Administrative and Regulatory Enforcement Litigation
Office of Attorney General Curtis Hill
302 W. Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
I f: 317.232.7979
Parvinder.Nijjar@atg.in.gov



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Subject: Rose v. Birch Tree Holdings, LLC, et al.; Indiana State Fire Marshal Discovery
Date: Wednesday, May 6, 2020 at 12:57:05 PM Eastern Daylight Time
From: Anderson, Elliot
To: Ian Goodman

Dear Mr. Goodman,

It was a pleasure speaking with you this morning. Further to our conversation, please allow this message to serve as verification that the Indiana Department of Homeland Security (the "Department") is in receipt of the *Motion to Compel State Fire Marshal to Respond to Non-Party Request for Production* and its supporting exhibits, including your letters to the Indiana State Fire Marshal dated March 3, 2020, and March 25, 2020, and your email dated April 14, 2020.

The Indiana State Fire Marshal, the intended non-party recipient of the *Request for Production of Documents to Non-Party* and corresponding *Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action* issued on August 23, 2018, is an employee of and directs the Department's Division of Fire and Building Safety.

As we discussed, at this time, the Department respectfully requests a period of thirty (30) days from today's date, until June 5, 2020, to evaluate the requests contained in the documents described above, and to work with you to resolve this matter without further involvement from the Court.

Thank you for your prior efforts to resolve this matter without court action, and for the patience and civility exhibited in allowing additional time for this matter to be properly addressed.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,
Elliot Anderson

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